

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 NEA-10 ISO-00 PM-07 NSC-07 SP-03 SS-20

RSC-01 AID-20 OC-06 CCO-00 OCL-00 IO-14 CIAE-00

INR-10 NSAE-00 /127 R

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FM SECSTATE WASHDC

TO AMEMBASSY NICOSIA

INFO AMEMBASSY CAIRO

AMEMBASSY LONDON

SECDEF

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CINCUSAFE

CINCUSNAVEUR

C O N F I D E N T I A L STATE 072996

E.O. 11652:XGDS-1

TAGS: PFOR, EG, CY, UK, US

SUBJECT: NIMBUS STAR: STATUS OF FORCES IN CYPRUS

REFS: (A) NICOSIA 591; (B) NICOSIA 573; (C) NICOSIA 805,
MAY 18, 1971

1. APPRECIATE POINTS RAISED PARA 2 REF (A).

2. NO EXEMPTION FROM IMPORT DUTIES IN TERRITORY OF CYPRUS
IS NECESSARY OR INTENDED FOR US MILITARY PERSONNEL PRESENT
ON ACCOUNT OF NIMBUS STAR OPERATION.

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3. AS TO LEGAL IMMUNITIES, THE VIENNA CONVENTION ACCORDS TECHNICAL AND ADMINISTRATIVE STAFFS IMMUNITY FROM CRIMINAL JURISDICTION GENERALLY AND FROM CIVIL AND ADMINISTRATIVE JURISDICTION IN CONNECTION WITH ACTS PERFORMED IN THE COURSE OF THEIR DUTIES. THIS WILL BE SUFFICIENT FOR PURPOSES OF THIS OPERATION.

4. CONSISTENT WITH PAST PRACTICE, A LIBERAL WAIVER POLICY FOR OFF-DUTY CRIMINAL ACTS WOULD BE ADOPTED. IN THIS REGARD SEE REF (C). IN ADDITION, THE FOREIGN CLAIMS ACT WOULD BE USED TO COMPENSATE CYPRIOTS FOR DAMAGES CAUSED BY OUR MILITARY PERSONNEL.

5. ACCORDINGLY, EMBASSY REQUESTED APPROACH FOREIGN MINISTRY SEEKING AGREEMENT THAT U.S. MILITARY PERSONNEL (E.G., C-5 AND RH-53D AIR CREWS AND SUPPORT PERSONNEL AS WELL AS MARINES) WILL BE CONSIDERED ADMINISTRATIVE AND TECHNICAL STAFF FOR PURPOSES OF ACCORDING THEM THE SAME CIVIL AND CRIMINAL JURISDICTIONAL STATUS IN THE TERRITORY OF CYPRUS AS IS ACCORDED OTHER U.S. PERSONNEL UNDER THE 1968 AGREEMENT.

6. FOLLOWING YOUR INFORMAL APPROACH, CONFIRMING NOTE ALONG FOLLOWING LINES SHOULD BE DELIVERED: QUOTE....AND REFERS TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR GOVERNMENTS CONCERNING THE STATUS TO BE ACCORDED UNITED STATES MILITARY PERSONNEL WHO WILL BE UTILIZING THE AKROTIRI SOVEREIGN BASE AREA. SUCH UTILIZATION IS TO BE INCIDENT TO MINESWEEPING OPERATIONS OF THE SUEZ CANAL BY THE UNITED STATES AND THE UNITED KINGDOM. ON THE BASIS OF OUR DISCUSSIONS IT IS THE UNDERSTANDING OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT THE GOVERNMENT OF CYPRUS WILL ACCORD SUCH PERSONNEL THE SAME CIVIL AND CRIMINAL JURISDICTIONAL STATUS IN THE REPUBLIC OF CYPRUS AS IS PRESENTLY ACCORDED OTHER UNITED STATES PERSONNEL UNDER THE EXCHANGE OF LETTERS BETWEEN REPRESENTATIVES OF OUR GOVERNMENTS DATED JANUARY 22, 1968. (PARAGRAPH) IF THIS IS IN ACCORDANCE WITH YOUR UNDERSTANDING, I WOULD APPRECIATE YOUR REPLY TO THAT EFFECT. END QUOTE.

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7. THE 1968 AGREEMENT WAS IN THE FORM OF AN EXCHANGE OF LETTERS BETWEEN THE AMBASSADOR AND THE MINISTER OF FINANCE. IF EMBASSY PREFERENCES, THAT FORM MAY BE USED IN THIS CASE, BUT IT SHOULD BE AT THE MINISTER LEVEL - E.G., FINANCE OR FOREIGN MINISTER.

8. REF A, PARA 4 RECOMMENDATION WILL BE IMPLEMENTED.

9. REF A, PARA 5: DEPT AND DOD CONCUR. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY PERSONNEL, EXPLOSIVES, NIMBUS STAR OPERATION, INTERNATIONAL CANALS, PERSONNEL ASSIGNMENTS, TAXES, MILITARY AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE072996
Document Source: CORE
Document Unique ID: 00
Drafter: ATBROWN:LHS
Enclosure: n/a
Executive Order: X1
Errors: N/A
Film Number: D740083-0625
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740450/aaaabtut.tel
Line Count: 116
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) NICOSIA 591; (B) NICOSIA 573; (C,) NICOSIA 805
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 20 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 MAR 2002 by collinp0>; APPROVED <06 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NIMBUS STAR: STATUS OF FORCES IN CYPRUS
TAGS: PFOR, EG, UK, US, CY
To: NICOSIA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005